

PIPE FITTERS LOCAL NO. 533 PENSION  
FUND (DEFINED BENEFIT), *et. al.*,

Plaintiffs,

v.

CUSTOM HEATING AND AIR  
CONDITIONING, INC., *et. al.*,

Defendant.

V.

CUSTOM HEATING AND AIR  
CONDITIONING, INC., *et. al.*,  
  
Defendant.

This matter comes before the Court on Plaintiffs' *Verified Application for Entry of Default and Motion for Default Judgment Pursuant to Fed. R. Civ. P. 55(b)(2) and for Certification of Final Judgment Pursuant to Fed R. Civ. P. 54(b)* (doc. 23). Plaintiffs appear by and through their counsel of record, Jane L. Williams of Blake & Uhlig, P.A., of Kansas City, Kansas. Defendant has failed to appear and has failed to enter an appearance, plead or otherwise respond to defend this action.

Although Plaintiffs have not filed a certificate of service for the Application for Entry of Default, a subsequent court order to show cause why default should not be entered was properly served on Defendant Custom Heating and Air Conditioning, Inc. such that the Court is satisfied that Defendant has been given ample notice that it is in default.

**NOW THEREFORE THE COURT HEREBY** enters default against Defendant Custom Heating and Air Conditioning, Inc.

THE COURT FINDS that Defendant Custom Heating and Air Conditioning, Inc. is currently liable to the Plaintiffs in the known amount of Sixty-Six Thousand, Two Hundred and One and 87/100 Dollars (\$66,201.87).

THE COURT FURTHER FINDS that there is no just reason for delay in the entry of final judgment upon the aforesaid amount known to be due and owing to Plaintiffs from Defendant Custom Heating and Air Conditioning, Inc.;

THE COURT FURTHER FINDS that Plaintiffs are entitled to conduct an audit of complete books and records of Defendant Custom Heating and Air Conditioning, Inc. for the purpose of determining any additional amounts as may be due and owing to Plaintiffs from Defendant Custom Heating and Air Conditioning, Inc.;

**NOW THEREFORE THE COURT ORDERS** that Defendant Custom Heating and Air Conditioning, Inc. shall permit a qualified, certified public accountant, selected by the Plaintiffs, to audit complete books and records of Defendant Custom Heating and Air Conditioning, Inc. at Defendant's expense in order to determine the precise amount due and owing the Plaintiffs pursuant to the terms of the collective bargaining agreement; and

**THE COURT FURTHER ORDERS** that Plaintiffs shall apply to this Court for an award of damages against the Defendant Custom Heating and Air Conditioning, Inc. for all delinquent contributions, as determined by the audit, plus liquidated damages, interest thereon, audit costs, and Plaintiffs' cost and reasonable attorney's fees incurred for the arrangement of the audit and for the preparation of the application for the award of additional damages. Along with said application for an award of damages, Plaintiffs shall submit exhibits and affidavits in support thereof.

**THE COURT FURTHER ORDERS** that judgment be, and it hereby is, entered against Defendant Custom Heating and Air Conditioning, Inc. in the amount of Sixty-Six Thousand, Two Hundred and One and 87/100 Dollars (\$66,201.87).

**THE COURT FURTHER ORDERS** that the judgment hereby entered be certified as final,

pursuant to Fed. R. Civ. P. 54(b). This Order leaves for further adjudication only Plaintiffs' claim for any additional amounts as may be revealed by the aforesaid audit of Defendant Custom Heating and Air Conditioning, Inc. conducted subsequent to this Order.

SO ORDERED this 20th day of December 2010 in Kansas City, Missouri.

/s/ Greg Kays  
Greg Kays  
United States District Court Judge